

MONDAY, MAY 3, 2004

EIGHTY-SIXTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Chris Hollingsworth of Whitsett Chapel Baptist Church in Nashville, Tennessee, a guest of Senator Haynes.

PLEDGE OF ALLEGIANCE

Senator Southerland led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 29

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

COMMUNICATIONS

April 29, 2004

Lt. Governor John S. Wilder
1 Legislative Plaza
Nashville, TN 37243

Dear Governor Wilder:

I would like to ask that I be excused from Session on Monday night, May 3rd. My 96-year-old grandmother passed away in Florida Tuesday night and her funeral will be in Chattanooga on Monday afternoon. I have been asked to conduct the service and family will be coming in from out of state for the funeral and the evening. I anticipate being at the Finance Committee meeting the next morning.

Thank you for your consideration of this request.

Sincerely,

/s/ David Fowler

APPROVED: Lieutenant Governor
John S. Wilder

May 3, 2004

Lt. Gov. John Wilder
1 LP
Nashville, TN 37243

Dear Gov. Wilder:

I will be unable to attend the Session today due to illness. Please excuse my absence and have this letter spread upon the Senate Journal.

Respectfully,

/s/ Curtis Person, Jr.

APPROVED: Lieutenant Governor
John S. Wilder

STANDING COMMITTEE REPORT

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2090 with amendment, 2582, 2616, 2645, 3081 with amendment, 3239, 3264 and 3379; also, recommend that Senate Bill No. 2626 be referred to Committee on Finance, Ways and Means.

McNALLY, Chairperson
May 3, 2004

The Speaker announced that he had referred Senate Bills Nos. 2090 with amendment, 2582, 2616, 2645, 3081 with amendment, 3239, 3264 and 3379 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2626 to Committee on Finance, Ways and Means.

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3509 by Senator Beavers.

Cannon County -- Subject to local approval, repeals private act so that title of chief executive officer of county is "county executive" instead of "county mayor".

Senate Bill No. 3510 by Senator Jackson.

Lynnville -- Subject to local approval, revises charter. Amends Chapter 289 of the Private Acts of 1965; as amended.

Senate Bill No. 3511 by Senator Jackson.

Giles County -- Subject to local approval, transfers duties of probate court to chancery court.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 781 -- Child Custody and Support -- Allows parent, who has been victimized by other parent's intentional violation of visitation order on two or more occasions within any four-month period, instead of six-month period, to petition court for finding that other parent is non-compliant with order visitation; decreases time parent has to request hearing to contest petition from 20 to 15 days. Amends TCA Title 34; Title 35; Title 36; Title 37; Title 49 and Title 71.

House Bill No. 1004 -- Remedies and Special Proceedings -- Allows judge to approve settlement of tort claim involving minor by relying on affidavit from legal guardian. Amends TCA Title 29.

House Bill No. 1047 -- Game and Fish Laws -- Increases penalty from Class C to Class A misdemeanor for second and subsequent violation of hunting without permission on lands posted for "hunting by written permission only"; requires revocation of hunting and fishing license for such violations. Amends TCA Section 70-4-106.

House Bill No. 2260 -- State Inmates -- Requires the Department of Correction to provide an orientation to inmates before release concerning relevant services for life after release or parole. Amends TCA Title 40.

House Bill No. 2353 -- Fees -- Requires clerks to charge \$2.00 fee for data entry for each party in a case; requires judicial council to appoint committee to study and make recommendations on court costs to general assembly by January 17, 2005. Amends TCA Section 8-21-401 and Section 16-21-107.

House Bill No. 2554 -- Hospitals and Health Care Facilities -- Requires the board for licensing health care facilities to report to the Commissioner of Health on specific issues concerning fire safety in facilities regulated by the Department of Health and requires the commissioner to report to legislative standing committee concerning recommendations. Amends TCA Title 4; Title 68 and Title 71.

House Bill No. 2957 -- Day Care -- Prohibits new hires or existing employees from serving as a driver for a child care center until the employee has undergone a drug test and received a negative result. Amends TCA Title 7, Chapter 3, Part 5.

House Bill No. 3390 -- Lottery, Charitable -- Enacts "Charitable Gaming Act". Amends TCA Title 3; Title 4; Title 38; Title 39 and Title 48.

House Bill No. 3594 -- Alcoa -- Subject to local approval, requires that board of education members be elected at-large instead of from districts. Amends Chapter 510 of the Private Acts of 1919; as amended.

House Bill No. 3595 -- Maury County -- Subject to local approval, permits legislative body of Maury County by resolution to authorize the foreman of the grand jury to appoint a part-time clerk to handle administrative duties for the grand jury and to compensate the clerk at a rate equal to the compensation paid to the guard of the grand jury. Repeals Chapter 651 of the Private Acts of 1947.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

House Bill No. 3596 -- Ashland City -- Subject to local approval, revises charter. Amends Chapter 241 of the Private Acts of 1921.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3503 held on desk.

Senate Bill No. 3504 held on desk.

Senate Bill No. 3505 held on desk.

Senate Bill No. 3506 held on desk.

Senate Bill No. 3507 held on desk.

Senate Bill No. 3508 held on desk.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 1066 by Senator McNally.
Memorials, Interns -- Joshua Adam Parker.

Senate Joint Resolution No. 1067 by Senator Crowe.
Memorials, Heroism -- Corporal Josh Samuels, United States Marine Corps.

Senate Joint Resolution No. 1068 by Senator Clabough.
Memorials, Academic Achievement -- Lauren Michelle Smalley, Valedictorian, William Blount High School.

Senate Joint Resolution No. 1069 by Senator Clabough.
Memorials, Academic Achievement -- Nathan J. Mills, Valedictorian, Sevier County High School.

Senate Joint Resolution No. 1070 by Senator Clabough.
Memorials, Academic Achievement -- Matthew Ryan Willis, Valedictorian, Sevier County High School.

Senate Joint Resolution No. 1071 by Senator Clabough.
Memorials, Academic Achievement -- Sarah C. Taylor, Salutatorian, William Blount High School.

Senate Joint Resolution No. 1072 by Senator Cooper.
Constitutional Amendments -- Revises Article XI, Section 9, concerning consolidation of municipal and county governmental functions to require only a majority vote of those voting in the election instead of a majority vote of those voting within the municipal corporation and a majority vote of those voting in the county outside the municipal corporation to approve the change.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Joint Resolution No. 1073 by Senator Ketron.
Memorials, Recognition -- Nancy Wisker.

Senate Joint Resolution No. 1074 by Senator Ketron.
Memorials, Recognition -- Martha Jones.

Senate Joint Resolution No. 1075 by Senator Ketron.
Memorials, Retirement -- Jean Powell.

Senate Joint Resolution No. 1076 by Senator Ketron.
Memorials, Retirement -- Dottie Sneed.

Senate Joint Resolution No. 1077 by Senator Ketron.
Memorials, Recognition -- Bonnie Rodgers.

Senate Joint Resolution No. 1078 by Senator Ketron.
Memorials, Retirement -- Jean Tench.

Senate Joint Resolution No. 1079 by Senator Ketron.
Memorials, Retirement -- Gale Pace.

Senate Joint Resolution No. 1080 by Senator Ketron.
Memorials, Retirement -- Anita Williams.

Senate Joint Resolution No. 1081 by Senator Ketron.
Memorials, Retirement -- Ronnie Hines.

Senate Joint Resolution No. 1082 by Senator Ketron.
Memorials, Retirement -- Lucile Rosenthal.

Senate Joint Resolution No. 1083 by Senator Ketron.
Memorials, Recognition -- Jane Eve Rayburn.

Senate Joint Resolution No. 1084 by Senator Ketron.
Memorials, Recognition -- Ann Marie Cothran.

Senate Joint Resolution No. 1085 by Senator Ketron.
Memorials, Recognition -- Delores Blankenship.

Senate Joint Resolution No. 1086 by Senator Ketron.
Memorials, Retirement -- Rosalyn McCandless.

Senate Joint Resolution No. 1087 by Senator Ketron.
Memorials, Recognition -- Cali Acuff.

Senate Joint Resolution No. 1088 by Senator Ketron.
Memorials, Recognition -- Sonya Cathey.

Senate Joint Resolution No. 1089 by Senator Ketron.
Memorials, Recognition -- Linda Hendley.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Joint Resolution No. 1090 by Senator Ketron.
Memorials, Retirement -- Betty Jane Moore.

Senate Joint Resolution No. 1091 by Senator Ketron.
Memorials, Recognition -- Cay McSurley.

Senate Joint Resolution No. 1092 by Senator Ketron.
Memorials, Recognition -- Lynne Estes.

Senate Joint Resolution No. 1093 by Senator Ketron.
Memorials, Recognition -- Carol Hampton.

Senate Joint Resolution No. 1094 by Senator Ketron.
Memorials, Recognition -- Nancy Hargrove.

Senate Joint Resolution No. 1095 by Senator Ketron.
Memorials, Retirement -- Jane Alexander.

Senate Joint Resolution No. 1096 by Senator Ketron.
Memorials, Retirement -- Sherri Murchison.

Senate Joint Resolution No. 1097 by Senator Ketron.
Memorials, Retirement -- Betty Jo Daniel.

Senate Joint Resolution No. 1098 by Senator Ketron.
Memorials, Retirement -- Joe Graham.

Senate Joint Resolution No. 1099 by Senator Ketron.
Memorials, Retirement -- Peggy Harmon.

Senate Joint Resolution No. 1100 by Senator Ketron.
Memorials, Retirement -- Deloris Johnson.

Senate Joint Resolution No. 1101 by Senator Ketron.
Memorials, Retirement -- Tom Miller.

Senate Joint Resolution No. 1102 by Senator Ketron.
Memorials, Retirement -- Jerry King.

Senate Joint Resolution No. 1103 by Senator Ketron.
Memorials, Retirement -- Rosemary Bone.

Senate Joint Resolution No. 1104 by Senator Ketron.
Memorials, Retirement -- Terri Baker.

Senate Joint Resolution No. 1105 by Senator Ketron.
Memorials, Recognition -- Vicki Clay.

Senate Joint Resolution No. 1106 by Senator Ketron.
Memorials, Recognition -- Cheryl Williams.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Joint Resolution No. 1107 by Senator Ketron.

Memorials, Recognition -- Betty Kapuga.

Senate Joint Resolution No. 1108 by Senator Ketron.

Memorials, Recognition -- Deborah Brown.

Senate Joint Resolution No. 1109 by Senator Graves.

Memorials, Academic Achievement -- Rebecca Elizabeth Austin, Salutatorian, East Robertson High School.

Senate Joint Resolution No. 1110 by Senator Graves.

Memorials, Academic Achievement -- Donald Scott Davis, Salutatorian, South Haven Christian School.

Senate Joint Resolution No. 1111 by Senator Graves.

Memorials, Academic Achievement -- Titus Naive, Valedictorian, South Haven Christian School.

Senate Joint Resolution No. 1112 by Senator Graves.

Memorials, Academic Achievement -- Miranda Overdorf, Valedictorian, East Robertson High School.

Senate Joint Resolution No. 1113 by Senator Graves.

Memorials, Academic Achievement -- Susan Plumlee, Valedictorian, East Robertson High School.

Senate Joint Resolution No. 1114 by Senator Graves.

Memorials, Interns -- Katherine "Katie" Cooper.

Senate Joint Resolution No. 1115 by Senator McLeary.

Memorials, Recognition -- ACH Food Companies, Inc.

Senate Joint Resolution No. 1116 by Senator Ketron.

Memorials, Retirement -- Betsy Morical.

Senate Joint Resolution No. 1117 by Senator Atchley.

Memorials, Recognition -- St. Mary's Health System.

Senate Joint Resolution No. 1118 by Senator Ramsey.

Memorials, Recognition -- Harry E. Scanlan.

Senate Joint Resolution No. 1119 by Senator Miller.

Memorials, Death -- Katharine Henry.

Senate Joint Resolution No. 1120 by Senator McNally.

Memorials, Recognition -- Knight/Jacobs Joint Venture.

Senate Joint Resolution No. 1121 by Senators Ford and McNally.

Naming and Designating -- Designates May 9-15 as "National Hospital Week".

Senate Joint Resolution No. 1122 by Senator Kurita.

Naming and Designating -- Designates May 6, 2004, as "National Nurses Day", start of "National Nurses Week", May 6-12, 2004.

Senate Resolution No. 213 by Senator McNally.
Memorials, Interns -- Lauren Howard.

RESOLUTIONS LYING OVER

House Joint Resolution No. 1126 -- Memorials, Congratulations -- David L. Archer.

The Speaker announced that he had referred House Joint Resolution No. 1126 to Committee on Calendar.

House Joint Resolution No. 1127 -- Memorials, Academic Achievement -- Tyler Scott Clemmons, Valedictorian, Lebanon High School.

The Speaker announced that he had referred House Joint Resolution No. 1127 to Committee on Calendar.

House Joint Resolution No. 1128 -- Memorials, Academic Achievement -- Nickolas Tyler Walker, Salutatorian, Lebanon High School.

The Speaker announced that he had referred House Joint Resolution No. 1128 to Committee on Calendar.

House Joint Resolution No. 1129 -- Memorials, Retirement -- Dewey E. Winfree.

The Speaker announced that he had referred House Joint Resolution No. 1129 to Committee on Calendar.

House Joint Resolution No. 1130 -- Memorials, Professional Achievement -- Frazer Windless.

The Speaker announced that he had referred House Joint Resolution No. 1130 to Committee on Calendar.

House Joint Resolution No. 1131 -- Memorials, Congratulations -- Page High School Chess Team.

The Speaker announced that he had referred House Joint Resolution No. 1131 to Committee on Calendar.

House Joint Resolution No. 1132 -- Memorials, Congratulations -- Tracy Denning.

The Speaker announced that he had referred House Joint Resolution No. 1132 to Committee on Calendar.

House Joint Resolution No. 1133 -- Memorials, Professional Achievement -- Carrie Vinson, Sumner County Teacher of the Year for grades K-5.

The Speaker announced that he had referred House Joint Resolution No. 1133 to Committee on Calendar.

Senate Joint Resolution No. 1031 -- Memorials, Recognition -- Judge J.S. Daniel.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Joint Resolution No. 1031 to Committee on Calendar.

Senate Joint Resolution No. 1032 -- Memorials, Academic Achievement -- Ross Ogle, Salutatorian, Pigeon Forge High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1032 to Committee on Calendar.

Senate Joint Resolution No. 1033 -- Memorials, Academic Achievement -- Lori Adams, Valedictorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1033 to Committee on Calendar.

Senate Joint Resolution No. 1034 -- Memorials, Academic Achievement -- Lauren Elizabeth Sipe, Valedictorian, Alcoa High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1034 to Committee on Calendar.

Senate Joint Resolution No. 1035 -- Memorials, Academic Achievement -- Rachel Diehl Unger, Salutatorian, Alcoa High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1035 to Committee on Calendar.

Senate Joint Resolution No. 1036 -- Memorials, Academic Achievement -- Jocelyn Price, Valedictorian, Pigeon Forge High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1036 to Committee on Calendar.

Senate Joint Resolution No. 1037 -- Memorials, Professional Achievement -- Willie Mae Cox Wilson, Tennessee Teachers Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 1037 to Committee on Calendar.

Senate Joint Resolution No. 1038 -- Memorials, Academic Achievement -- Betsy Camille Rhea, Valedictorian, Gatlinburg-Pittman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1038 to Committee on Calendar.

Senate Joint Resolution No. 1039 -- Memorials, Academic Achievement -- Mari Bales, Salutatorian, Gatlinburg-Pittman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1039 to Committee on Calendar.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Joint Resolution No. 1040 -- Memorials, Academic Achievement -- Dustin Isaiah Ruehling, Valedictorian, Grundy County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1040 to Committee on Calendar.

Senate Joint Resolution No. 1041 -- Memorials, Death -- Ernest Pellegrin.

The Speaker announced that he had referred Senate Joint Resolution No. 1041 to Committee on Calendar.

Senate Joint Resolution No. 1042 -- Memorials, Professional Achievement -- Electrolux Home Products, Springfield/Robertson County Chamber of Commerce Business of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 1042 to Committee on Calendar.

Senate Joint Resolution No. 1043 -- Memorials, Sports -- Gerlonda Hardin.

The Speaker announced that he had referred Senate Joint Resolution No. 1043 to Committee on Calendar.

Senate Joint Resolution No. 1044 -- Memorials, Public Service -- David Fiser, Springfield/Robertson County Chamber of Commerce Volunteer of the Year.

The Speaker announced that he had referred Senate Joint Resolution No. 1044 to Committee on Calendar.

Senate Joint Resolution No. 1045 -- Memorials, Academic Achievement -- Shannon Acree, Valedictorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1045 to Committee on Calendar.

Senate Joint Resolution No. 1046 -- Memorials, Academic Achievement -- Michael Earl May, Jr., Valedictorian, Gatlinburg-Pittman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1046 to Committee on Calendar.

Senate Joint Resolution No. 1047 -- Memorials, Academic Achievement -- Andrea Baxley, Valedictorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1047 to Committee on Calendar.

Senate Joint Resolution No. 1048 -- Memorials, Academic Achievement -- Jessica Peterson, Valedictorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1048 to Committee on Calendar.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Joint Resolution No. 1049 -- Memorials, Academic Achievement -- Shelly Childress, Salutatorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1049 to Committee on Calendar.

Senate Joint Resolution No. 1053 -- Memorials, Academic Achievement -- Brett Koerten, Valedictorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1053 to Committee on Calendar.

Senate Joint Resolution No. 1054 -- Memorials, Academic Achievement -- Amber Elaine Reagan, Salutatorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1054 to Committee on Calendar.

Senate Joint Resolution No. 1055 -- Memorials, Academic Achievement -- Whitney Marie Latham, Valedictorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1055 to Committee on Calendar.

Senate Joint Resolution No. 1056 -- Memorials, Academic Achievement -- Justin Shults, Valedictorian, Gatlinburg-Pittman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1056 to Committee on Calendar.

Senate Joint Resolution No. 1057 -- Memorials, Academic Achievement -- Danielle Sheirling, Valedictorian, Sevier County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1057 to Committee on Calendar.

Senate Joint Resolution No. 1058 -- Memorials, Academic Achievement -- Sean Toomey, Valedictorian, Gatlinburg-Pittman High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1058 to Committee on Calendar.

Senate Joint Resolution No. 1059 -- Memorials, Academic Achievement -- Shannon Petrie, Valedictorian, Seymour High School.

The Speaker announced that he had referred Senate Joint Resolution No. 1059 to Committee on Calendar.

Senate Joint Resolution No. 1060 -- Memorials, Academic Achievement -- Kunal Jardosh, Valedictorian, Gatlinburg-Pittman High School.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Joint Resolution No. 1060 to Committee on Calendar.

Senate Joint Resolution No. 1062 -- Highway Signs -- Directs Department of Transportation to include City of Bristol as destination on existing signage for Exit 69 (S.R. 394) on I-81 in Sullivan County and to erect new sign bearing language "Bristol Next 6 Interchanges" at appropriate location between Exit 66 and Exit 69 on I-81 northbound.

The Speaker announced that he had referred Senate Joint Resolution No. 1062 to Committee on Transportation.

Senate Joint Resolution No. 1063 -- Memorials, Retirement -- Yvonne Baird.

The Speaker announced that he had referred Senate Joint Resolution No. 1063 to Committee on Calendar.

Senate Joint Resolution No. 1064 -- Memorials, Recognition -- Sister Sandra Smithson.

The Speaker announced that he had referred Senate Joint Resolution No. 1064 to Committee on Calendar.

Senate Joint Resolution No. 1065 -- Memorials, Professional Achievement -- Dr. Tim Setterlund, 2004 Tennessee PTA Outstanding Principal.

The Speaker announced that he had referred Senate Joint Resolution No. 1065 to Committee on Calendar.

Senate Resolution No. 205 -- Memorials, Academic Achievement -- Ashlie Nicole Chariott, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Resolution No. 205 to Committee on Calendar.

Senate Resolution No. 206 -- Memorials, Academic Achievement -- Chance Thomas Donahue, Salutatorian, Campbell County High School.

The Speaker announced that he had referred Senate Resolution No. 206 to Committee on Calendar.

Senate Resolution No. 207 -- Memorials, Interns -- Jonathan Owen Appleby.

The Speaker announced that he had referred Senate Resolution No. 207 to Committee on Calendar.

Senate Resolution No. 208 -- Memorials, Academic Achievement -- Brandon Michael Lawson, Valedictorian, Campbell County High School.

The Speaker announced that he had referred Senate Resolution No. 208 to Committee on Calendar.

Senate Resolution No. 209 -- Memorials, Interns -- Michael Begley.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

The Speaker announced that he had referred Senate Resolution No. 209 to Committee on Calendar.

Senate Resolution No. 210 -- Memorials, Academic Achievement -- Tristin Ainsley Nichole Bond, Valedictorian, Oneida High School.

The Speaker announced that he had referred Senate Resolution No. 210 to Committee on Calendar.

Senate Resolution No. 212 -- Memorials, Interns -- Kristina Faith Peach.

The Speaker announced that he had referred Senate Resolution No. 212 to Committee on Calendar.

MOTION

Senator Ketron moved that Rule 38 be suspended for the purpose of making and considering Consent Calendar No. 3 consisting of the following resolutions: **Senate Joint Resolutions Nos. 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116**, which motion prevailed.

MOTION

Senator Graves moved that **Senate Joint Resolutions Nos. 1042 and 1044** be placed on Consent Calendar No. 3 for today, which motion prevailed.

MOTION

Senator Norris moved that **Senate Resolution No. 212** be placed on Consent Calendar No. 3 for today, which motion prevailed.

CONSENT CALENDAR NO. 3

Senate Joint Resolution No. 1042 -- Memorials, Professional Achievement -- Electrolux Home Products, Springfield/Robertson County Chamber of Commerce Business of the Year.

Senate Joint Resolution No. 1044 -- Memorials, Public Service -- David Fiser, Springfield/Robertson County Chamber of Commerce Volunteer of the Year.

Senate Joint Resolution No. 1073 -- Memorials, Recognition -- Nancy Wisker.

Senate Joint Resolution No. 1074 -- Memorials, Recognition -- Martha Jones.

Senate Joint Resolution No. 1075 -- Memorials, Retirement -- Jean Powell.

Senate Joint Resolution No. 1076 -- Memorials, Retirement -- Dottie Sneed.

Senate Joint Resolution No. 1077 -- Memorials, Recognition -- Bonnie Rodgers.

Senate Joint Resolution No. 1078 -- Memorials, Retirement -- Jean Tench.

- Senate Joint Resolution No. 1079** -- Memorials, Retirement -- Gale Pace.
- Senate Joint Resolution No. 1080** -- Memorials, Retirement -- Anita Williams.
- Senate Joint Resolution No. 1081** -- Memorials, Retirement -- Ronnie Hines.
- Senate Joint Resolution No. 1082** -- Memorials, Retirement -- Lucile Rosenthal.
- Senate Joint Resolution No. 1083** -- Memorials, Recognition -- Jane Eve Rayburn.
- Senate Joint Resolution No. 1084** -- Memorials, Recognition -- Ann Marie Cothran.
- Senate Joint Resolution No. 1085** -- Memorials, Recognition -- Delores Blankenship.
- Senate Joint Resolution No. 1086** -- Memorials, Retirement -- Rosalyn McCandless.
- Senate Joint Resolution No. 1087** -- Memorials, Recognition -- Cali Acuff.
- Senate Joint Resolution No. 1088** -- Memorials, Recognition -- Sonya Cathey.
- Senate Joint Resolution No. 1089** -- Memorials, Recognition -- Linda Hendley.
- Senate Joint Resolution No. 1090** -- Memorials, Retirement -- Betty Jane Moore.
- Senate Joint Resolution No. 1091** -- Memorials, Recognition -- Cay McSurley.
- Senate Joint Resolution No. 1092** -- Memorials, Recognition -- Lynne Estes.
- Senate Joint Resolution No. 1093** -- Memorials, Recognition -- Carol Hampton.
- Senate Joint Resolution No. 1094** -- Memorials, Recognition -- Nancy Hargrove.
- Senate Joint Resolution No. 1095** -- Memorials, Retirement -- Jane Alexander.
- Senate Joint Resolution No. 1096** -- Memorials, Retirement -- Sherri Murchison.
- Senate Joint Resolution No. 1097** -- Memorials, Retirement -- Betty Jo Daniel.
- Senate Joint Resolution No. 1098** -- Memorials, Retirement -- Joe Graham.
- Senate Joint Resolution No. 1099** -- Memorials, Retirement -- Peggy Harmon.
- Senate Joint Resolution No. 1100** -- Memorials, Retirement -- Deloris Johnson.
- Senate Joint Resolution No. 1101** -- Memorials, Retirement -- Tom Miller.
- Senate Joint Resolution No. 1102** -- Memorials, Retirement -- Jerry King.
- Senate Joint Resolution No. 1103** -- Memorials, Retirement -- Rosemary Bone.
- Senate Joint Resolution No. 1104** -- Memorials, Retirement -- Terri Baker.

Senate Joint Resolution No. 1105 -- Memorials, Recognition -- Vicki Clay.

Senate Joint Resolution No. 1106 -- Memorials, Recognition -- Cheryl Williams.

Senate Joint Resolution No. 1107 -- Memorials, Recognition -- Betty Kapuga.

Senate Joint Resolution No. 1108 -- Memorials, Recognition -- Deborah Brown.

Senate Joint Resolution No. 1116 -- Memorials, Retirement -- Betsy Morical.

Senate Resolution No. 212 -- Memorials, Interns -- Kristina Faith Peach.

Senator Atchley moved that all Senate Joint Resolutions and Senate Resolutions be adopted, which motion prevailed by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

A motion to reconsider was tabled.

REFERRAL

Senator Harper moved that **Senate Bill No. 827** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

PRESENTATION

Senator Bryson introduced Taylor Ware who sang for the Senate.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

April 26, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2080, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 29, 2004

MR. SPEAKER: I am directed to return Senate Bill No. 2162. The House moved to lift from the table the motion to reconsider Senate Bill No. 2162. The House reconsidered Senate Bill No.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

2162 on third and final consideration, adopted Amendment No. 4 and repassed Senate Bill No. 2162 on third and final consideration, as amended.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2832, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3371, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3391, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2252, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
April 29, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 189. The House refused to recede from its action in nonconcurring in Senate Amendment No. 2. The Speaker appointed a Conference Committee composed of Representatives Mike Turner, Bowers, Sherry Jones, Henri Brooks and Harwell to confer with a like committee from the Senate in open conference to resolve the differences between the Bodies on House Bill No. 189.

BURNEY T. DURHAM,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 189 -- Labor -- Enacts "Equal Pay Remedies and Enforcement Act". Amends TCA Title 50, Chapter 2.

Senator Graves moved that the Speaker appoint a Conference Committee to meet with a like committee from the House to resolve the differences between the two Bodies on **House Bill No. 189**, which motion prevailed.

**APPOINTMENT OF SELECT COMMITTEE
CONFERENCE COMMITTEE
ON
HOUSE BILL NO. 189**

The Speaker announced the appointment of a Conference Committee composed of Senators Graves, Chairperson; Bryson, Clabough, Cooper and Trail to confer with a like committee from the House to resolve the differences of the two Bodies on House Bill No. 189.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 1120 -- Memorials, Recognition -- Joy Harold, 181st Annual Peters Hollow Egg Fight Champion.

House Joint Resolution No. 1121 -- Memorials, Personal Occasion -- 50th Annual Smith Cotten Overton Brooks Family Reunion.

House Joint Resolution No. 1122 -- Memorials, Recognition -- Nashville Zoo at Grassmere.

House Joint Resolution No. 1123 -- Memorials, Retirement -- Dr. Sammy V. Swor, Jr.

House Joint Resolution No. 1124 -- Memorials, Public Service -- Phyllis Eldridge.

House Joint Resolution No. 1125 -- Memorials, Congratulations -- David Justice.

Senate Joint Resolution No. 1026 -- Memorials, Academic Achievement -- Mary Elyse Gragg, Salutatorian, Springfield High School.

Senate Joint Resolution No. 1027 -- Memorials, Academic Achievement -- Michael H. Kelly, Jr., Salutatorian, Springfield High School.

Senate Joint Resolution No. 1028 -- Memorials, Academic Achievement -- Meredith Edmunds, Valedictorian, Springfield High School.

Senate Joint Resolution No. 1029 -- Memorials, Academic Achievement -- Lorie Beth Allsbrosks, Valedictorian, Springfield High School.

Senate Joint Resolution No. 1030 -- Memorials, Academic Achievement -- Adam Binkley, Salutatorian, Springfield High School.

Senator Atchley moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bill was placed at the heel of the calendar for Thursday, May 6, 2004, pursuant to Rule 38: **Senate Bill No. 1152.**

Senate Bill No. 1885 -- Sports -- Revises term of president of Tennessee sports hall of fame from one to two years; authorizes ex officio members of board to be voting members. Amends TCA Section 4-3-5403.

Senate Bill No. 2293 -- Driver Licenses -- Prohibits any person having a learner permit, an intermediate license or a restricted license from using a mobile telephone while operating a motor vehicle on any public road; violation is Class C misdemeanor punishable by a \$50.00 fine and makes violator ineligible to apply for the next level of license for a period of 90 days from date the person would otherwise be eligible to apply. Amends TCA Title 55, Chapter 50.

Senate Bill No. 2612 -- Veterans -- Establishes certain parameters for qualifications of veterans' service officers, appropriate compensation for veterans' service officers, and the establishment of joint veterans' service offices by more than one political subdivision. Amends TCA Title 58, Chapter 3.

On motion, Senate Bill No. 2612 was made to conform with **House Bill No. 2683.**

On motion, House Bill No. 2683, on same subject, was substituted for Senate Bill No. 2612.

Senate Bill No. 2624 -- Death -- Requires dead human bodies or remains be delivered to next of kin as soon as practicable after post-mortem examination by county or state medical examiner. Amends TCA Title 38, Chapter 7, Part 1.

On motion, Senate Bill No. 2624 was made to conform with **House Bill No. 2711.**

On motion, House Bill No. 2711, on same subject, was substituted for Senate Bill No. 2624.

Senate Bill No. 2878 -- Highway Signs -- "Lofton Eugene Gateley Memorial Highway", I-40 from mile marker 111 to 114 in Henderson County.

On motion, Senate Bill No. 2878 was made to conform with **House Bill No. 2159.**

On motion, House Bill No. 2159, on same subject, was substituted for Senate Bill No. 2878.

Senate Bill No. 3158 -- Lottery -- Authorizes system of competitive grants for after school educational programs funded from the lottery for education account and administered through Department of Education. Amends TCA Title 4, Chapter 51, Part 1 and Title 49, Chapter 6.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Senate Bill No. 3257 -- Correctional Programs -- Allows county or municipality to charge inmate in jail or workhouse co-pay amount for substance abuse treatment by a licensed provider. Amends TCA Section 41-4-115.

Senate Bill No. 3372 -- Courts, General Sessions -- Deletes authority of Robertson County general sessions courts judges to hire their own court officers. Amends TCA Section 8-8-201.

On motion, Senate Bill No. 3372 was made to conform with **House Bill No. 3440**.

On motion, House Bill No. 3440, on same subject, was substituted for Senate Bill No. 3372.

Senate Bill No. 3399 -- Fire Prevention and Investigation -- Grants immunity from civil liability to local fire officials and departments reporting information relative to fires of suspicious origin to commissioner, provided that such person or entity acted in good faith and without malice in providing such information. Amends TCA Section 68-102-111.

On motion, Senate Bill No. 3399 was made to conform with **House Bill No. 3501**.

On motion, House Bill No. 3501, on same subject, was substituted for Senate Bill No. 3399.

Senate Joint Resolution No. 734 -- General Assembly, Directed Studies -- Encourages State Board of Education to review required tests for teacher licensure.

House Joint Resolution No. 816 -- General Assembly, Studies -- Authorizes and encourages the governor, the Department of Correction and the board of pardons and paroles to jointly study the feasibility of utilizing global positioning system (GPS) technology in order to improve the efficiency and effectiveness of the state's various correctional programs and services; subject to certain conditions, authorizes a limited demonstration project.

House Joint Resolution No. 958 -- Naming and Designating -- May 15, 2004, Day of Special Prayer for Widows.

House Joint Resolution No. 966 -- Naming and Designating -- Margaret "Maggi" Britton Vaughn, Poet Laureate of Tennessee.

House Joint Resolution No. 1026 -- General Assembly, Statement of Intent or Position -- Designates every August 15th, beginning August 15, 2004, as Tennessee Chronic Kidney Disease Education Day.

House Joint Resolution No. 1045 -- Memorials, Recognition -- Putnam County Red Cross Day, April 24, 2004.

Senator Crowe moved that all Senate Joint Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2260 -- Coroners -- Requires that Shelby County medical examiner be appointed by the county mayor from a list of a maximum of two doctors of medicine or osteopathy nominated by convention of the physicians (medical or osteopathic) resident in the county subject to the confirmation by a majority of the whole membership of the county legislative body. Amends TCA Section 38-7-104.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 38-7-104, is amended by deleting the last sentence of subsection (a) in its entirety and by substituting instead the following language:

In those counties having a metropolitan form of government and in those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the medical examiner shall be appointed by the county mayor of such county, from a list of a maximum of two (2) doctors of medicine or osteopathy nominated by a convention of the physicians (medical or osteopathic) resident in the county, the convention to be called for this purpose by the county mayor of such county and the list to be submitted within ninety (90) days of the request of the county mayor, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body. If the convention of physicians fails to submit a list within ninety (90) days of the request of the county mayor, then the county mayor may appoint a county medical examiner, subject to the confirmation by a majority of the whole membership of the metropolitan council or county legislative body.

SECTION 2. Tennessee Code Annotated, Section 38-7-104, is further amended by adding the following language as two new subsections to be designated as indicated:

(e) In those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the county medical examiner shall serve for a term of six (6) years from the date of approval by the county legislative body. At the expiration of the six (6) year

term, the mayor shall either reappoint the county medical examiner, subject to confirmation by a majority of the whole membership of the county legislative body, or shall request that a convention of resident physicians in the county submit a list of candidates pursuant to subsection (a) from which the mayor may appoint a county medical examiner, subject to confirmation by a majority of the whole membership of the county legislative body.

(f) In those counties with a population not less than eight hundred thousand (800,000) according to the 2000 federal decennial census or any subsequent federal census, the county medical examiner may be suspended by the county mayor for good cause, which shall include, but shall not be limited to, malfeasance in the performance of county medical examiner duties, criminal conduct, or behavior that is unethical in nature or that is in violation of a relevant code of professional medical responsibility. The suspension shall be for a period of ninety (90) days. At the end of the ninety (90) day period, the suspension shall terminate unless the county mayor has recommended to the county legislative body in writing that they remove the county medical examiner from office. If the county mayor recommended removal of the county medical examiner, then the county legislative body shall vote on whether to remove the county medical examiner from office within ninety (90) days of the date of the written recommendation. A majority vote shall be required in order to remove the county medical examiner from office. If a majority of the county legislative body does not vote for removal of the county medical examiner from office, then the suspension of the county medical examiner immediately shall terminate.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Dixon moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2260**, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 2314**, as amended, be placed on the Message Calendar for Thursday, May 6, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2329 -- Unemployment Compensation -- Provides that certain individuals, who are deemed by the IRS not to be employees of certain firms for purposes of certain federal statutes, shall not be deemed to be employees of such firms for purposes of the Tennessee employment security law. Amends TCA Title 50, Chapter 7.

HOUSE AMENDMENT NO. 2

AMEND by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50-7-207(c), is amended by adding the following new language as a new subdivision (18):

(18) Service performed for companion sitting placement services that meets the requirements of 26 USCA § 3506.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Cooper moved that the Senate nonconcur in House Amendment No. 2 to **Senate Bill No. 2329**, which motion prevailed.

Mr. Speaker Wilder moved that **Senate Bill No. 2524**, as amended, be placed on the Message Calendar for Thursday, May 6, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2596 -- Hospitals and Health Care Facilities -- Requires hospitals licensed by the Department of Health and the Department of Mental Health and Developmental Disabilities to report certain statistics concerning patients within certain timeframes. Amends TCA Section 68-11-310.

HOUSE AMENDMENT NO. 2

AMEND by adding in Section 1 of the bill as amended the following language as a new subdivision (4):

(4) Any hospital that submits a joint annual report to the Department of Health pursuant to this section also shall submit to the department, at the same time the hospital sends the signed paper copy of the report, a notarized statement from the hospital's financial auditor stating that the financial data reported on the joint annual report is consistent with the audited financials for the hospital for that reporting year. The notarized statement shall also be attested to by an official of the submitting hospital.

Senator Ford moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2596**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senator McNally moved that **Senate Bill No. 3228**, as amended, be placed on the Message Calendar for Thursday, May 6, 2004, which motion prevailed.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 3259 -- Real Property -- Requires that contracts for home loans made by a nonprofit lender with a zero interest rate include language that prohibits refinancing the loan without the prior, written approval of the local board of directors of the nonprofit organization which financed the loan. Amends TCA Title 45; Title 47 and Title 66.

HOUSE AMENDMENT NO. 1

AMEND by deleting Section 1 of the printed bill in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 4, is amended by adding the following language as a new, appropriately designated section:

66-4-____. (a) All contracts for home loans made by a nonprofit lender with a zero (0) interest rate or low interest rate loan must contain the following restrictive covenant:

This zero interest or low interest rate loan cannot be refinanced, replaced or consolidated without the prior, written approval of the local board of directors of the nonprofit lender which financed the loan so long as this initial, zero interest or low interest rate loan is in existence.

(b) As used in this section,

(1) "Low interest loan" means a home loan that carries an interest rate that is two (2) percentage points or more below the yield on United States Treasury securities with a comparable maturity at the time the loan is made;

(2) "Home loan" means a term loan which secures a 1-4 family dwelling used as the primary residence of the borrower.

(c) Each mortgage or deed of trust securing a home loan as provided in subsection (a) shall state on the face of the instrument prominently displayed:

THIS INSTRUMENT SECURES A ZERO INTEREST OR LOW INTEREST RATE LOAN AS DEFINED UNDER TENNESSEE CODE ANNOTATED, SECTION 66-4-____ AND IS SUBJECT TO THE RESTRICTIONS THEREIN.

(d) A lender may reasonably rely on such statement or lack thereof appearing on the face of the instrument as conclusive proof of the existence or non-existence of a restricted home loan as provided in subsection (a).

Senator Dixon moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3259**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

PRESENTATION

Senator Burks presented **Senate Joint Resolution No. 876** to the Livingston Academy Lady Wildcats, 2004 TSSAA Class AA Basketball State Champions.

CALENDAR

Senator Crutchfield moved that **Senate Bill No. 3198** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

MR. SPEAKER WILDER RELINQUISHES CHAIR

Mr. Speaker Wilder relinquished the Chair to Senator Haynes as Speaker pro tempore.

Senate Bill No. 3202 -- Fire Prevention and Investigation -- Requires private and state employed fire prevention and building officials to receive certification from the fire marshal, deletes grandfather clause for certain building inspectors. Amends TCA Section 68-120-113.

On motion, Senate Bill No. 3202 was made to conform with **House Bill No. 2830**.

On motion, House Bill No. 2830, on same subject, was substituted for Senate Bill No. 3202.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-120-113(a)(1), is amended by deleting the language "and county fire prevention" in the first sentence, and substituting instead the language and punctuation ", county and state employed fire prevention"; and is further amended by adding the following new sentence at the end of the first sentence:

Provided however, the certification required by this section shall not be required of state employed fire prevention and building inspectors until January 1, 2005.

SECTION 2. Tennessee Code Annotated, Section 68-120-113(a)(2), is amended by deleting the first sentence in its entirety, and substituting instead the following first sentence:

The state fire marshal shall recognize and accept certification from the Southern Standard Building Code Congress International, International Code Council (ICC) or the National Fire Protection Association as satisfying the standards and qualifications for certification of municipal, county and state employed fire prevention and building officials.

SECTION 3. Tennessee Code Annotated, Section 68-120-113(a)(2), is further amended in the last sentence by inserting the punctuation and language ", or a certification from the employing state agency," between the words "county" and "affirming"; and is further amended by adding the following language as a new sentence:

Certification pursuant to this section shall not be a prerequisite for fire safety and building inspector employment purposes but the employing governmental entity must have all newly employed applicants certified within twelve (12) months of the date of employment.

SECTION 4. Tennessee Code Annotated, Section 68-120-113(f), is amended by deleting the word "local".

SECTION 5. This act shall take effect on becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2830**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Southerland and Trail--26.

A motion to reconsider was tabled.

Speaker pro tempore Haynes moved that **Senate Bill No. 2391** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Speaker pro tempore Haynes moved that **Senate Bill No. 3136**, as amended, be rereferred to the Committee on Calendar, which motion prevailed.

Senator Trail moved that **Senate Bill No. 3336** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senator Trail moved that **House Bill No. 1249**, as amended, be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senate Bill No. 539 -- Homestead Exemptions -- Provides enhanced homestead exemption for persons 62 years of age or older. Amends TCA Title 26.

On motion, Senate Bill No. 539 was made to conform with **House Bill No. 1846**.

On motion, House Bill No. 1846, on same subject, was substituted for Senate Bill No. 539.

On motion of Senator Henry, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1846** passed its third and final consideration by the following vote:

Ayes	26
Noes	0
Present, not voting	2

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McNally, Miller, Norris, Ramsey, Southerland, Trail and Williams--26.

Senators present and not voting were: Henry and McLeary--2.

A motion to reconsider was tabled.

Senate Bill No. 823 -- Health Care -- Authorizes commissioner to appoint advisory consumer board to review complaints related to operations of health-related boards; membership and terms defined; expenses reimbursed.

Senator Ford moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 18, Part 1, is amended by adding the following language as a new section:

63-18-215. In addition to the powers and duties granted to or imposed upon it by other provisions of this chapter, the board shall have the following powers and duties:

(1) Prescribe the minimum curricular and minimum standards for schools of massage therapy and for courses of training that prepare persons for licensure under this chapter;

(2) Approve such schools and courses as meet the requirements of this chapter and the rules and regulations of the board;

(3) Issue certificates of approval to such schools and courses that meet the requirements of this chapter and the rules and regulations of the board;

(4) Conduct hearings for disciplinary action against schools or courses that fail to meet the minimum requirements of this chapter and the rules and regulations of the board; and

(5) Promote massage therapy education and services within the state through surveys, institutes, conferences, grants to private nonprofit organizations, or other such means as may result in improved massage therapy services in the state.

SECTION 2. Tennessee Code Annotated, Section 63-18-203(f), is amended by deleting the words "fifty dollars (\$50.00)" and substituting the words "one hundred dollars (\$100.00)" after the word "compensation".

SECTION 3. Tennessee Code Annotated, Section 63-18-205(b)(3)(A), is amended by inserting the language "and the board pursuant to Section 63-18-215" between the language "other states" and "; and".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Ford moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 18, Part 1, is amended by adding the following language as a new section:

63-18-215. In addition to the powers and duties granted to or imposed upon it by other provisions of this chapter, the board shall have the following powers and duties:

(1) Prescribe the minimum curricular and minimum standards for schools of massage therapy and for courses of training that prepare persons for licensure under this chapter;

(2) Approve such schools and courses as meet the requirements of this chapter and the rules and regulations of the board;

(3) Issue certificates of approval to such schools and courses that meet the requirements of this chapter and the rules and regulations of the board;

(4) Conduct hearings for disciplinary action against schools or courses that fail to meet the minimum requirements of this chapter and the rules and regulations of the board; and

(5) Promote massage therapy education and services within the state through surveys, institutes, conferences, grants to private nonprofit organizations, or other such means as may result in improved massage therapy services in the state.

SECTION 2. Tennessee Code Annotated, Section 63-18-203(f), is amended by deleting the words "fifty dollars (\$50.00)" and substituting the words "one hundred dollars (\$100.00)" after the word "compensation".

SECTION 3. Tennessee Code Annotated, Section 63-18-205(b)(3)(A), is amended by deleting the item in its entirety and by substituting instead the following:

(A) Successfully completed a post-secondary course of study in an approved school of massage therapy, as defined by the board; and

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Senator Ford moved that **Senate Bill No. 823**, as amended, be moved two places down on the calendar for today, which motion prevailed.

Senate Bill No. 990 -- Zoning -- Clarifies interpretation of statute governing effect of zoning change on existing or non-conforming business or use is inapplicable to outdoor advertising. Amends TCA Section 13-7-208.

Senator Burks declared Rule 13 on **Senate Bill No. 990**.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-7-208(b), is amended by designating the current language as subdivision (1) and by adding the following new subdivision:

(2) When the use permitted to continue to expand, or to be rebuilt pursuant to any subsection of § 13-7-208 is an off-premises sign, such use shall not preclude any new or additional conforming use or structure on the property on which the sign structure is located or on any adjacent property under the same ownership, provided that any such new or additional use or structure does not result in any violations of the applicable zoning restrictions other than those nonconformities associated with the off-premises sign as allowed hereunder.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 990**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	1
Present, not voting . . .	1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland and Williams--26.

Senator voting no was: Cohen--1.

Senator present and not voting was: Trail--1.

A motion to reconsider was tabled.

MR. SPEAKER WILDER RESUMES CHAIR

Mr. Speaker Wilder resumed the Chair.

FURTHER ACTION ON SENATE BILL NO. 823, AS AMENDED

Senator Ford moved that the Senate reconsider its action in adopting Amendment No. 2 to Senate Bill No. 823, which motion prevailed.

Senator Henry moved that Amendment No. 2 to Senate Bill No. 823 be withdrawn, which motion prevailed.

Senator Ford moved that the Senate reconsider its action in adopting Amendment No. 1 to Senate Bill No. 823, which motion prevailed.

Senator Ford moved that Amendment No. 1 to Senate Bill No. 823 be withdrawn, which motion prevailed.

Senator Ford moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 18, Part 1, is amended by adding the following language as a new section:

63-18-215. In addition to the powers and duties granted to or imposed upon it by other provisions of this chapter, the board shall have the following powers and duties:

(1) Prescribe the minimum curricular and minimum standards for schools of massage therapy and for courses of training that prepare persons for licensure under this chapter;

(2) Approve such schools and courses as meet the requirements of this chapter and the rules and regulations of the board;

(3) Issue certificates of approval to such schools and courses that meet the requirements of this chapter and the rules and regulations of the board; and

(4) Conduct hearings for disciplinary action against schools or courses that fail to meet the minimum requirements of this chapter and the rules and regulations of the board.

SECTION 2. Tennessee Code Annotated, Section 63-18-203(f), is amended by deleting the words "fifty dollars (\$50.00)" and substituting the words "one hundred dollars (\$100.00)" after the word "compensation".

SECTION 3. Tennessee Code Annotated, Section 63-18-205(b)(3)(A), is amended by inserting the language "and the board pursuant to Section 63-18-215" between the language "other states" and "; and".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Thereupon, **Senate Bill No. 823**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail and Williams--28.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 1042** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senator Dixon moved that **Senate Bill No. 1550** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senate Bill No. 1600 -- Taxes, Sales -- Requires out-of-state retailers to collect and remit sales tax on items sold for delivery in Tennessee. Amends TCA Title 67, Chapter 6.

Senator Ramsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-313(h)(1), is amended by deleting the period at the end of subdivision (B) and replacing it with "; and", by redesignating the existing subdivision (C) as subdivision (D), and by adding the following new subdivision (C):

(C) In addition to the exemptions in subdivisions (A) and (B) above, sales of helicopters and related equipment within Tennessee to purchasers who are not residents of the state where such helicopters and related equipment are intended to have a situs out of Tennessee, and where such helicopters and related equipment remain within Tennessee following said sale solely for purposes of repair and refurbishment services, and are in fact removed from Tennessee within fifteen (15) days from the completion of such repair and refurbishment services. "Repair and refurbishment services" as used herein and in subdivision (B) above include, without limitation, modifications, conversions, and installations; and

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1600**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	0
Present, not voting . . .	2

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

Senators present and not voting were: Cohen and Ford--2.

A motion to reconsider was tabled.

Senate Bill No. 2078 -- Taxes, Sales -- Exempts sales of motor vehicles to Tennessee National Guardsmen on active federal duty from sales and use tax. Amends TCA Section 67-6-303.

Senator Haynes moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-6-303(a)(1), is amended by inserting the following language between the words "and" and "such":

such vehicle is sold to a reserve member of a uniformed service of the United States or a member of the Tennessee National Guard, if such member of the reserve or national guard has been called into active military service of the United States, as

defined in § 58-1-102, and is stationed outside the United States during hostilities in which such person is actually engaged and in which military personnel are entitled to combat compensation as determined by the United States Department of Defense, or if

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section to be appropriately designated:

SECTION _____. The provisions of this act shall have no effect unless funds are appropriated for any estimated expenditures required to implement the provisions of this act.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2078**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 1

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

Senator voting no was: Henry--1.

A motion to reconsider was tabled.

Senate Bill No. 2089 -- Pensions and Retirement Benefits -- Adds retired teacher to be elected by Tennessee retired teachers association to the board of trustees of TCRS. Amends TCA Section 8-34-302.

On motion of Senator Atchley, Amendment No. 1 was withdrawn.

Senator Henry moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting the amendatory language of Section 4 of the printed bill and by substituting instead the following:

(15) One (1) retired teacher, who is a vested member of the Tennessee consolidated retirement system, to be elected at large by the representative assembly of the Tennessee retired teachers association to serve for a one (1) year term commencing on July 1, 2004.

The retired teacher shall be a non-voting member of the board of trustees. The Tennessee retired teachers association shall satisfy all costs and expenses related to the aforementioned position.

AND FURTHER AMEND by adding the following as a new Section 5 of the printed bill, and by redesignating the existing Section 5 to be Section 6.

SECTION 5. Tennessee Code Annotated, Section 8-34-302, is amended by adding the following as a new subsection (c):

(c) The board of trustees is hereby directed to study the composition of the board and to submit its written findings to the council on pensions and insurance no later than February 1, 2005.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2089**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senate Bill No. 2122 -- Education -- Allows local public and private school boards to train school personnel to assist students with diabetes care; requires the Departments of Health and Education, with approval of the board of nursing, to develop guidelines for student diabetes care; limits liability for individuals providing reasonable care within those guidelines. Amends TCA Title 49, Chapter 5.

Senator McNally moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following new subsection:

(c)(1) Notwithstanding the provisions of any law, policy, or guideline to the contrary, a local board of education or a governing board for a non-public school may permit school personnel to volunteer to assist with the care of students with diabetes, excluding insulin administration, under the following conditions:

(A) The student's parent or guardian and the student's personal health care team must have developed a medical management plan that lists the health services needed by the student at school and is signed by the student's physician, nurse practitioner, or physician assistant;

(B) The student's parent or guardian must have given permission for the school personnel to volunteer to participate in the care of the student with diabetes, and such written permission must be kept in the student's school records;

(C) Assistance in the care of students with diabetes must be documented in accordance with this subsection; and

(D) The Department of Education and the Department of Health shall, after considering recommendations from national organizations involved with diabetes care, jointly amend current "Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting" to reflect the appropriate procedures for use by the school registered nurse (RN) in training school personnel who volunteer to assist with the care of students with diabetes. The guidelines may not take effect and no training under the guidelines may take place until the board of nursing has been afforded an opportunity to review and comment on the guidelines. The guidelines must be used uniformly by all local education agencies that choose to allow school personnel to volunteer to assist with the care of students with diabetes.

(2) The guidelines for assistance with the care of students with diabetes must include the following:

(A) Guidelines for recognition and management of hypoglycemia and hyperglycemia, excluding insulin administration;

(B) Guidelines for understanding the Individual Health Plan (IHP) for a student with diabetes with regard to blood glucose level target ranges, schedules for meals and snacks and actions to be taken in the case of schedule disruption; and

(C) Guidelines for performing blood glucose monitoring, ketone checking, and recording the results.

(3) All school nurses must be educated in diabetes care and must have knowledge of the guidelines. School personnel, who volunteer under no duress to assist with the care of students with diabetes, must receive training pursuant to the guidelines from a school registered nurse. The school registered nurse may use certified diabetes educators and licensed nutritionists to assist with the training. All training must be renewed on an annual basis and competency must be noted in the personnel file. No school personnel shall be required to volunteer for the training. School personnel may not be reprimanded, subject to any adverse employment action or punished in any manner for refusing to volunteer.

(4) If a school nurse is on-site and available to assist, the school nurse must provide any needed diabetes assistance rather than other trained school personnel volunteering to assist the student. In addition, a school registered nurse has primary responsibility for maintaining all student health records.

(5) The following persons shall not be liable in any court of law for injury resulting from reasonable assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the Departments of Health and Education:

(A) Any school registered nurse who provides the training;

(B) Any person who is trained and whose competency is indicated in such person's personnel file as required in subdivision (3); and

(C) Any local board of education or governing board for a non-public school that authorized school personnel to volunteer to assist with the care of students with diabetes.

(6) The activities set forth in this subsection shall not constitute the practice of professional nursing unless performed by an individual licensed by the board of nursing.

(7) Upon written request of the parent or guardian, and if included in the student's medical management plan and in the IHP, a student with diabetes may perform blood glucose checks, administer insulin, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in any area of the school or school grounds and at any school-related activity, and may possess on such student's person at all times all necessary diabetes monitoring and treatment supplies. Use and disposal of sharps shall be in compliance with the guidelines set forth by the Tennessee Occupational Safety and Health Administration (TOSHA).

(8) A local education agency shall not restrict a choice of school by a student or transfer a student because the student has diabetes.

(9) School registered nurses who provide training to volunteers under this subsection shall not be subject to any disciplinary or other adverse licensing action by the board of nursing for injury resulting from assistance with the care of students with diabetes if performed pursuant to the guidelines developed by the Departments of Health and Education.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator McNally moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following language immediately prior to the last sentence in the amendatory language of subdivision (c)(7) of Section 1 of the bill as amended:

Any sharps involved in diabetes care and management for a student shall be stored in a secure, but accessible location, until use of such sharps is appropriate.

AND FURTHER AMEND by deleting subdivision (c)(8) of Section 1 of the bill as amended and by substituting instead the following:

(8) A local education agency shall not assign a student with diabetes to a school other than the school for which the student is zoned or would otherwise regularly attend because the student has diabetes.

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2122**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

Senator Williams moved that **Senate Bill No. 2152** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senator Henry moved that **Senate Bill No. 2423** be referred to the Committee on Finance, Ways and Means, which motion prevailed.

MOTION

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2423** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 4, 2004, which motion prevailed.

CALENDAR

Senate Bill No. 2474 -- Education -- Allows children to finish out school year in same school if parent or guardian is temporarily unable to care for them. Amends TCA Title 49, Chapter 1.

Senator Burchett moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the last sentence of the first paragraph and substituting instead:

An LEA may permit a child who is legally enrolled in a school within the LEA to complete the year in that school when, during the school year, the custodial parent or parent's residence has been relocated due to active military duty or other hardship as to be reviewed on a case-by-case basis by the LEA.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2474**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Senate Bill No. 2638 -- Alcoholic Beverages -- Includes facility in Monroe County located off I-75 and Highway 68 in definition of premier type tourist resort for purpose of consumption of alcoholic beverages on the premises. Amends TCA Section 57-4-102.

On motion, Senate Bill No. 2638 was made to conform with **House Bill No. 2875**.

On motion, House Bill No. 2875, on same subject, was substituted for Senate Bill No. 2638.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the word "and" after subdivision (iv) of the amendatory language of Section 1, by redesignating subdivision (v) of the printed bill as subdivision (vi) and by adding the following language after subdivision (iv) of the printed bill:

(v) Such facility does not discriminate against any patron on the basis of age, gender, sexual orientation, race, religion or national origin; and

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2875**, as amended, passed its third and final consideration by the following vote:

Ayes 21
Noes 2

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey and Mr. Speaker Wilder--21.

Senators voting no were: Burks and Herron--2.

A motion to reconsider was tabled.

Senate Bill No. 2644 -- Alcoholic Beverages -- Includes health club facility in Knox County in definition of premier type tourist resort for purpose of consumption of alcoholic beverages on the premises. Amends TCA Section 57-4-102.

On motion, Senate Bill No. 2644 was made to conform with **House Bill No. 2618**.

On motion, House Bill No. 2618, on same subject, was substituted for Senate Bill No. 2644.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting the word "and" after subdivision (v) of the amendatory language of Section 1, by redesignating subdivision (vi) of the printed bill as subdivision (vii) and by adding the following language after subdivision (v) of the printed bill:

(vi) Such facility does not discriminate against any patron on the basis of age, gender, sexual orientation, race, religion or national origin; and

On motion, Amendment No. 1 was adopted.

Senator Cooper moved to amend as follows:

AMENDMENT NO. 2

AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 57-4-102(24), is amended by adding the following language as new, appropriately designated subdivisions:

() A commercially operated facility which contains all of the following characteristics:

(i) Such facility is located no more than three and one-half (3-1/2) miles from the right of way of Interstate 40 and fronting on State Highway 92 and has a minimum of eight (8) acres of lake front property with a minimum of fifty-eight hundred (5,800) feet of shore line;

(ii) Such facility has at least eighty (80) boat slips and forty-eight (48) dry slips, a boat launching ramp, a full service restaurant seating at least one hundred seventy-five (175) persons inside with outside patio dining, a ships store offering boat supplies and gasoline, and an outdoor pavilion;

(iii) Such facility provides accommodations consisting of at least twenty (20) lakeside hotel/motel units in a building or buildings designed for such purposes; and

(iv) Such facility is located within a county having a population of not less than forty-four thousand (44,000) nor more than forty-four thousand nine hundred (44,900), according to the 2000 federal census or any subsequent federal census.

() A commercially operated facility which at a minimum contains all of the following characteristics:

(i) Such facility is located within one-half (1/2) miles of the right of way of Interstate 40 and adjacent to Sharon Drive;

(ii) Such facility has at a minimum a one hundred (100) room motel or a restaurant seating, at a minimum, one hundred fifty (150) people, or both;

(A) If a motel is built, the motel shall have an enclosed pool and a five thousand (5,000) square foot meeting facility.

(B) If only a restaurant is built, proper accommodations will be made to provide, within four (4) miles, a five thousand (5,000) square foot meeting facility with motel accommodations; and

(iii) Such facility is located within a county having a population of not less than forty-four thousand (44,000) nor more than forty-four thousand nine hundred (44,900), according to the 2000 federal census or any subsequent federal census

On motion, Amendment No. 2 was adopted.

Thereupon, **House Bill No. 2618**, as amended, passed its third and final consideration by the following vote:

Ayes	24
Noes	1

Senators voting aye were: Bryson, Burchett, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail and Mr. Speaker Wilder--24.

Senator voting no was: Burks--1.

A motion to reconsider was tabled.

Senator Kilby moved that **Senate Bill No. 2658** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senator Kilby moved that **Senate Bill No. 2659** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

Mr. Speaker Wilder moved that **Senate Joint Resolution No. 1013** be placed on the calendar for Monday, May 10, 2004, which motion prevailed.

Senator Cohen moved that **Senate Bill No. 2092** be placed on the final calendar, which motion prevailed.

Senate Bill No. 2409 -- Pensions and Retirement Benefits -- Clarifies that an employee of a state institution of higher education is a member of TCRS unless such person elects to participate in optional retirement program established by the institution. Amends TCA Title 8, Chapter 34-37.

Senator Atchley moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Sections 1 – 3 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-35-403(c), is amended by deleting the language "prior to the preparation of the employee's first salary payment" and by substituting instead the language "within thirty (30) days of employment with a state-supported institution of higher education having an optional retirement program hereunder".

SECTION 2. Tennessee Code Annotated, Section 8-35-403, is amended by adding the following new subsections at the end thereof:

(e) Any eligible employee who fails to make the election as prescribed in this section shall be a member of the retirement system until such employee makes the election as described in subsection (d) above.

(f) Notwithstanding any provision of this part or any other law to the contrary, any employee who has five (5) or more years of creditable service in the optional retirement program as of January 1, 2005, shall have the option of transferring membership from the optional retirement program to the Tennessee consolidated retirement system under the following terms and conditions:

(1) The employee is employed in a position covered by the Tennessee consolidated retirement system and has not received from such employee's account or accounts in the optional retirement program a cash withdrawal or other distribution that resulted from service rendered to a Tennessee state-supported institution of higher education;

(2) Such election must be made on election forms prescribed by the Tennessee consolidated retirement system and filed with it and with the institution where the employee is employed by no later than December 31, 2005;

(3) Any such transfer shall include both past and prospective membership;

(4) The transfer shall be irrevocable;

(5) The employee must pay to the Tennessee consolidated retirement system the greater of:

(i) A sum equal to the employee's account balances in the optional retirement program that resulted from service rendered to a Tennessee state-supported institution of higher education; or

(ii) A sum equal to 12.65% of the employee's earnable compensation during the period of such employee's membership in the optional retirement program, plus interest on said amount at the rate provided in § 8-37-214;

(6) The payment required hereunder shall be made in a lump sum to the Tennessee consolidated retirement system by no later than December 31, 2005, and may be funded in whole or in part from amounts transferred from the employee's accounts in the optional retirement program, from other eligible tax deferred retirement accounts or from other funds available to the employee. For the purposes of this subdivision (6), amounts transferred from a tax deferred retirement account shall have the same meaning as that given in § 8-37-214(g)(1). Any difference between the payment required hereunder and the amount transferred from the optional retirement program or a tax deferred retirement account shall be paid to the Tennessee consolidated retirement system within sixty (60) days following the transfer, but in any event not later than December 31, 2005. Notwithstanding § 8-35-111 or any other law to the contrary, if the payment is not funded in whole or in part from amounts transferred from the optional retirement program the employee shall be permitted to retain ownership of such amounts without violating § 8-35-111;

(7) The employee shall have no rights, benefits or privileges in the Tennessee consolidated retirement system until the full amount of the payment required hereunder is received by the retirement system. In the event the employee fails to remit the full amount by December 31, 2005, the employee shall irrevocably lose such employee's right to transfer membership from the optional retirement program to the Tennessee consolidated retirement system hereunder; and

(8) All payments made under this subsection (f) shall be credited to the state accumulation fund pursuant to § 8-37-301 and not to the individual accounts of members in the members' fund.

(g) Notwithstanding any provision of this part or any other law to the contrary, any employee who attains five (5) or more but less than six (6) years of service in the optional retirement program on or after January 1, 2005, shall have the option of transferring membership from the optional retirement program to the Tennessee consolidated retirement system under the terms and conditions specified in subsection (f) above; provided, however, that the election to transfer and the payment required thereunder shall be made not later than one year from the date the employee completes five (5) years of service as a participant in the optional retirement program.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

SECTION 3. The provisions of this act shall be subject to the funding being provided in the General Appropriations Act.

SECTION 4. This act shall take effect July 1, 2004, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2409**, as amended, passed its third and final consideration by the following vote:

Ayes 28

Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

Mr. Speaker Wilder moved that **Senate Bill No. 2846** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 3392** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

Senator Cooper moved that **Senate Bill No. 3394** be placed on the calendar for Thursday, May 6, 2004, which motion prevailed.

MOTION

Senator Ford moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2966** on the calendar for the Committee on Judiciary for Tuesday, May 4, 2004, which motion prevailed.

MOTION

Senator Ford moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 1021** on the calendar for the Committee on Education for Wednesday, May 5, 2004, which motion prevailed.

MOTION

Senator Norris moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2686** on the calendar for the Committee on Judiciary for Tuesday, May 4, 2004, which motion prevailed.

NOTICE

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return House Bill No. 2162, for further consideration.

BURNEY T. DURHAM,
Chief Clerk.

MOTION

Senator Herron moved that Rule 37 be suspended for the purpose of considering **House Bill No. 2162**, out of order, which motion prevailed.

MOTION

Senator Herron moved to lift from the table a motion to reconsider on **House Bill No. 2162**, which motion prevailed by the following vote:

Ayes	26
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cooper, Crutchfield, Dixon, Ford, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--26.

Senator Herron moved that the Senate reconsider its action in passing **House Bill No. 2162**, which motion prevailed.

House Bill No. 2162 -- Fair Trade Laws -- Allows frozen dessert manufacturers and wholesalers to give frozen desserts to consumers free of charge without being considered to have committed an unfair trade practice so long as such action is not undertaken in an effort to injure or destroy competition. Amends TCA Title 53, Chapter 3.

Senator Herron moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-3-302, is amended by adding the following language at the end of the section:

Nothing in this section or part shall be construed as prohibiting a manufacturer or wholesaler from distributing frozen desserts, free of charge to the consumer, or from advertising that such action is occurring or shall occur so long as such action is not done with the intent to injure and destroy competition or with the intent to create a monopoly.

SECTION 2. Tennessee Code Annotated, Section 53-3-303, is amended by adding the following language as a new subsection to be designated as follows:

(c) Nothing in this section or part shall be construed as prohibiting a retailer from distributing frozen desserts, free of charge to the consumer, or from advertising that such action is occurring or shall occur so long as such action is not done with the intent to injure and destroy competition or with the intent to create a monopoly.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2162**, as amended, was passed on third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Cohen moved that Rule 37 be suspended for the immediate consideration of **Senate Bill No. 3078**, out of order, which motion prevailed.

Senate Bill No. 3078 -- Lottery, Charitable -- Revises filing deadlines for 501(c)(3) organizations applying to conduct an annual lottery-type event. Amends TCA Title 3; Title 4; Title 38; Title 39 and Title 48.

On motion, Senate Bill No. 3078 was made to conform with **House Bill No. 3390**.

On motion, House Bill No. 3390, on same subject, was substituted for Senate Bill No. 3078.

On motion of Senator Cohen, Amendment No. 1 was withdrawn.

On motion of Senator Cohen, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 3390** passed its third and final consideration by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Clabough, Cohen, Cooper, Crutchfield, Dixon, Ford, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Miller moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 887** on the calendar for the Committee on Finance, Ways and Means for Wednesday, May 5, 2004, subject to passing out of the Committee on Judiciary on Tuesday, May 4, 2004, which motion prevailed.

MOTION

Senator Henry moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 827** on the calendar for the Committee on Finance, Ways and Means for Tuesday, May 4, 2004, which motion prevailed.

MOTION

Senator Cooper moved that the Oversight Committee on Workers' Compensation be allowed to meet in conjunction with the Committee on Commerce, Labor and Agriculture on Tuesday, May 4, 2004, from 10:30 a.m. - 12:30 p.m., which motion prevailed.

MOTION

Senator Kyle moved that the notice provisions of Rule 83(8) be suspended for the purpose of allowing any bills that pass out of standing committees, and are referred to the Committee on Finance, Ways and Means, to be heard in the next meeting of the Committee on Finance, Ways and Means, which motion prevailed.

NOTICES

Pursuant to Rule 44, notice was given that the following bills were returned from the House of Representatives amended. Under the rule, the bills lie over.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2681, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3139, substituted for House Bill on same subject, amended, and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

RECALL OF BILL

On motion of Mr. Speaker Wilder, **Senate Bill No. 2433** was recalled from the Committee on Finance, Ways and Means.

REFERRAL

Mr. Speaker Wilder moved that Senate Bill No. 2433 be referred to the Committee on Calendar, which motion prevailed.

MOTION

On motion of Senator Ketron, his name was added as sponsor of **Senate Bill No. 3430**.

On motion of Senator Cooper, his name was added as sponsor of **Senate Bill No. 3413**.

On motion of Senator Haynes, his name was added as sponsor of **Senate Bill No. 2078; and House Joint Resolutions Nos. 1122 and 1123**.

On motion of Senator Graves, her name was added as sponsor of **Senate Bills Nos. 2743 and 3259**.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

On motion of Senator Trail, his name was removed as sponsor of **Senate Bill No. 3336**.

On motion of Senator Kilby, his name was removed as sponsor of **Senate Bill No. 3392**.

On motion of Senator Dixon, his name was added as sponsor of **Senate Bill No. 539 and House Joint Resolution No. 1026**.

On motion of Mr. Speaker Wilder and Senators Burchett, Norris and Dixon, their names were added as sponsors of **Senate Bill No. 2078**.

On motion of Senator McLeary, his name was added as sponsor of **Senate Bill No. 2089**.

On motion of Senators Dixon, Burchett and Clabough, their names were added as sponsors of **Senate Bill No. 2122**.

On motion of Senator Ford, his name was added as prime sponsor of **Senate Bill No. 1686**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolutions Nos. 966, 1122 and 1123**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bills Nos. 1152 and 3259**.

On motion of Senator Harper, her name was added as sponsor of **House Joint Resolution No. 1123**.

On motion of Senator Kyle, his name was added as sponsor of **House Joint Resolution No. 966 and Senate Bill No. 1152**.

On motion of Senator Kurita, her name was added as sponsor of **Senate Bill No. 2122**.

On motion of Senator Burks, her name was added as sponsor of **House Joint Resolution No. 1045**.

On motion of Senators Haynes, Crutchfield, Jackson and McLeary, their names were added as sponsors of **Senate Bill No. 3159**.

ENGROSSED BILLS

May 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1026, 1027, 1028, 1029 and 1030; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 3, 2004

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 823, 990, 1600, 1885, 2078, 2089, 2122, 2293, 2409, 2474, 3158 and

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

3257; and Senate Joint Resolution No. 734; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

May 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolutions Nos. 1042, 1044, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1116; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2730, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3240, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1004, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 3390, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 39, 2343, 2742, 2762, 2848, 2853, 3099, 3264, 3503 and 3523; passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1084, 1135, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1146; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1306, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2305 and 2236, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2242 and 2416, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2764, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 563, substituted for House Bill on same subject and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 3244 and 3496, substituted for House Bills on same subjects and passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1050, 1051, 1052 and 1061; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 723, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

May 3, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 23, 2115, 2280, 2330, 2560, 3273 and 3305; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Joint Resolutions Nos. 1050, 1051 and 1052; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 212; and Senate Joint Resolutions Nos. 723, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023 and 1061; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENROLLED BILLS

May 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Bills Nos. 563, 1306, 2236, 2242, 2260, 2305, 2416, 2596, 2764, 3244, 3259 and 3496; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

May 3, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1071, 1087, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1118 and 1119; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1120, 1121, 1122, 1123, 1124 and 1125; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 4, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2212, 2600, 2678, 2719, 2781, 2823, 3286, 3346 and 3510; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

SIGNED

May 3, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 23, 2115, 2280, 2330, 2560, 3273 and 3305.

SIGNED

May 3, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1071, 1087, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1114, 1115, 1116, 1117, 1118 and 1119.

SIGNED

May 4, 2004

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 1050, 1051 and 1052.

SIGNED

May 4, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 1120, 1121, 1122, 1123, 1124 and 1125.

SIGNED

May 4, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 212; and Senate Joint Resolutions Nos. 723, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023 and 1061.

SIGNED

May 4, 2004

The Speaker announced that he had signed the following: Senate Bills Nos. 563, 1306, 2236, 2242, 2260, 2305, 2416, 2596, 2764, 3244, 3259 and 3496.

MESSAGE FROM THE HOUSE

May 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1050, 1051 and 1052: signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 23, 2115, 2280, 2330, 2560, 3273 and 3305; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

May 4, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 723, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023 and 1061; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Joint Resolutions Nos. 1050, 1051 and 1052; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 4, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bills Nos. 23, 2115, 2280, 2330, 2560, 3273 and 3305; and Senate Joint Resolutions Nos. 723, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023 and 1061; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

May 3, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bills Nos. 877, 2100, 2439, 2470, 2490, 2562 and 3451; and Senate Joint Resolutions Nos. 967, 968, 969, 970, 976, 977, 978, 979, 980, 981, 982, 983, 985, 986, 987, 988, 989, 992, 995, 997, 998, 999, 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1024 and 1025; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 4, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 1050, 1051 and 1052; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 6, 2004: House Joint Resolutions Nos. 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133; Senate Joint Resolutions Nos. 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1045, 1046, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1064 and 1065; and Senate Resolutions Nos. 205, 206, 207, 208, 209 and 210.

This the 4th day of May, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 6, 2004: Senate Bills Nos. 2290, 2582, 2616, 2645, 3264 and 3379.

This the 4th day of May, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, May 6, 2004: Senate Bills Nos. 3495, 3499, 3500, 3501 and 3502.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, May 6, 2004: Senate Bills Nos. 3392, 3394, 2846, 135, 2090, 2433, 2594, 2711, 2739, 2743, 2854, 2859, 2860, 2879, 2885, 2894, 2900, 2910, 2982, 3022, 3026, 3073, 3081, 3101, 3181, 3256, 3239, 3328, 3427, 3429 and 3457; Senate Joint Resolutions Nos. 685, 686 and 695; Senate Resolution No. 158; Senate Bills Nos. 1042, 1152, 1550, 2391, 2658, 2659, 2796, 3198, 3300 and 3336; and House Bill No. 1249.

This the 4th day of May, 2004.
CROWE, Chairperson.

MONDAY, MAY 3, 2004 -- 86TH LEGISLATIVE DAY

**SENATE
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, May 6, 2004: Senate Bills Nos. 2080, 2162, 2252, 2314, 2524, 2681, 2832, 3139, 3228, 3371 and 3391.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 10:30 a.m., Thursday, May 6, 2004, which motion prevailed.